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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,545	02/10/2004	Tarmo Hyttinen	915-013.004	6700

7590 07/21/2009
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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,545	HYTTINEN, TARMO	
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/29/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are pending in this application.
2. Claim 21 is being treated under 35 USC 112 sixth paragraph, in which the “means for” browsing, receiving, searching, presenting and silencing are performed by a hardware device and component implemented within the hardware device [pg. 5, lines 3-4; pg. 10, lines 3-6; col. 12, line 19-pg. 13, line 7; pg. 14, lines 6-10; pg. 14, line 28-pg. 15, line 7; Fig. 4].

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/09 has been entered.

Claim Objections

4. Claims 1, 13, 16 and 21 are objected to because of the following informalities:
 - a. Claim 1 is objected to because the claim failed to provide proper indentations to segregate combination/subcombination of elements of the claim. For example, the element "a memory" should be indented under a device. See MPEP 608.01(i).
 - b. Claim 1 - “silencing alarms of the overlapping events by one command and for silencing the alarms of the overlapping events” should read --silencing the alarms of said

found one or more overlapping events and for silencing the alarms of said found one or more overlapping events--. Claims 13 and 21 are objected to for the same reason.

c. Claim 16 – “said program” should read --said instructions--.

Appropriate correction is required.

Specification

5. The abstract of the disclosure is objected to because it contains legal phraseology such as “means”. Correction is required. See MPEP § 608.01(b).

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification failed to provide proper antecedent basis for the limitation “computer readable medium” recited in claims 15-16 and 19-20.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack antecedent basis:

i. Claim 7 - said memory block.

- ii. Claims 17-20 - said removing and said memory block

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 15-16 and 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

11. As to claim 15, since applicant failed to specifically defined or described “a computer readable medium” (see specification objection above), the examiner is giving the broadest reasonable interpretation to the limitation as including any computer-readable media known in the art including statutory (i.e. computer memories, hard disks, etc.) and non-statutory embodiments (i.e. carrier waves), therefore, the claim is rejected under 35 U.S.C. 101 because it is not limited to statutory embodiments. Claim 16 is rejected for the same reason as claim 15 above. Claims 19-20 are rejected for failing to cure the deficiencies of their corresponding parent claims.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa (US Publication 2002/0004734) in view of Dean et al. (hereafter Dean) (US Patent 6,167,379) and further in view of Parker et al. (hereafter Parker) (US Patent 7,458,080).

14. As to claim 13, Nishizawa teaches the invention substantially as claimed including a method comprising:

receiving a high priority event to be added to a calendar application [received new schedule of ToDo list to be added to a schedule managing program, paragraph 46, line 3-16; paragraphs 55-56; Fig. 4; S3-S4, Fig. 5; Figs. 8A-8B and 10A-11C],

searching possible overlapping events in said calendar application as a response to receiving said high priority event [search and identify overlapping events in the schedule managing program in response to receiving an event that can be of higher priority than existing scheduled event, paragraph 46, lines 16-19; S5, Fig. 5; paragraph 55, lines 5-29; paragraph 56].

15. Nishizawa does not specifically teach presenting said found one or more overlapping events. However, Dean teaches presenting overlapping events to a user along with one or more processing alternatives for processing the found events [Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

16. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of automatic handling of conflicting events by Nishizawa with the user initiated conflicting events handling by Dean because of the inadequacy of computer automated handling of conflicting events in certain situations as those being considered by Dean [Dean, col. 6, lines 12-24 and 26-39], and a person of ordinary skill in the art would be motivated to implement the teaching of Dean to cover every scenarios of event handling such as one that requires human intervention.

17. Furthermore, Nishizawa and Dean do not specifically teach receiving instructions for silencing alarms of the overlapping events by one command and silencing the alarms of the overlapping events (The examiner's interpretation of "the overlapping events" as one or more overlapping events found in the previous step for antecedent basis, in addition, see claim objection above). However, Parker teaches silencing alarms of overlapping events by enabling automatic profile switching, the silencing of alarms being achieved while a device is in a specific notification mode as a result of an occurrence of a calendar related event [col. 9, lines 9-45; silencing audible alarms using a profile, col. 6, lines 41-64; Fig. 9].

18. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Nishizawa and Dean to implement the notification profile of Parker because Nishizawa, Dean and Parker are all in the same field of endeavor relating to management of calendar events. In addition, a person of ordinary skill in the are would be motivated to implement the notification profile mechanism of Parker to the calendar event notification and

handling of Nishizawa and Dean to manage notifications/alarms because of the ineffectiveness of preventing inappropriate notification in the conventional art as been considered by Parker [Parker, col. 1, line 28-col. 2, line 26].

19. As to claim 14, Nishizawa as modified teaches the invention substantially as claimed including comprising adding the received high priority event to the calendar application and processing the one or more overlapping events according to the one or more received processing instructions as a response to a confirmation by a user [adding received high priority event and processing the one or more overlapping events, Nishizawa, pg. 5, paragraphs 54-56; Figs. 9A-11C; processing overlapping events according to received processing instructions from a user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

20. As to claim 15, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches the computer readable medium having a program component comprising a computer program for implementing the method.

21. As to claim 16, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches the computer readable medium having a program component with instructions for implementing the method.

22. As to claim 18, Nishizawa as modified teaches the invention substantially as claimed including wherein said removing comprises removing said overlapping event to said memory block for possible later recovery in case of cancellation of an added high priority event [removed overlapping event are moved to a schedule history storing area for possible later recovery, Nishizawa, paragraph 57, lines 5-33; paragraphs 58 and 62].

23. As to claim 19, it is rejected for the same reason as claim 18 above.

24. As to claim 20, it is rejected for the same reason as claim 18 above.

25. As to claim 1, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches a device configured to implementing the method. In addition, Nishizawa as modified teaches a device comprising memory having a calendar application stored and a control unit [memory storing schedule managing module comprising various units, Nishizawa, paragraphs 34-35; Figs. 1-2].

26. As to claim 2, it is rejected for the same reason as claim 13 above.

27. As to claim 3, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to associate processing alternatives with found overlapping events [presenting overlapping events alone with processing alternatives to user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

28. As to claim 4, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to present to a user the found one or more overlapping events with one or more selectable processing alternatives associated to the found one or more overlapping events [presenting overlapping events alone with processing alternatives to user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

29. As to claim 5, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to process the found one or more overlapping events according to received processing instructions [Dean, col. 4, line 54-col. 5, line 16; Figs. 3-5].

30. As to claim 6, Nishizawa as modified teaches the invention substantially as claimed including wherein a high priority event is selectable from a menu of said calendar application [Nishizawa, paragraph 45; Fig. 4].

31. As to claim 7, this claim is rejected for the same reason as claim 18 above. In addition, Nishizawa as modified teaches recovering found, timely matching, previously removed, overlapping events to the calendar application [Nishizawa, paragraph 57, lines 5-33; paragraphs 58 and 62].

32. As to claim 8, Nishizawa as modified teaches the invention substantially as claimed including wherein said control is for comparing time associated to the high priority event to a respective time of said calendar application for finding possible overlapping events from the calendar application [Nishizawa, abstract; paragraphs 54-56].

33. As to claim 9, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in said device using said calendar application [Nishizawa, paragraph 34; paragraph 35, lines 1-8; Fig. 1; Dean, abstract].

34. As to claim 10, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in a remote device being connected to said device using the calendar application [Dean, abstract; col. 3, line 52-col. 4, line 41].

35. As to claims 11-12, Nishizawa as modified teaches the invention substantially as claimed including wherein the received high priority event is recognized by the control unit of the device/the calendar application [schedule processing unit/managing module executed by a CPU receiving the input and subsequently manipulating the calendar, Nishizawa, paragraph 35; paragraph 46, lines 13-25; 28, 32, Fig. 2].

36. As to claim 17, it is rejected for the same reason as claim 18 above.

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37. As to claim 21, Nishizawa as modified teaches the method and device for handling a calendar application as recited in claims 1 and 13, therefore, Nishizawa as modified teaches a device comprising means for implementing the method.

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 7,283,970 to Cragun et al. and US Patent 6,049,776 to Donnelly et al. teach handling of conflicting schedule events.

Response to Arguments

39. Applicant's arguments filed 6/29/09 have been fully considered but they are moot in view of the new ground of rejection. In addition applicant is reminded to properly reference the specification in future remarks since amendments to the claims were not found in the page numbers and paragraphs relied on in the current remark (i.e. pg. 2, paragraph 2 and pg. 5, last paragraph), nonetheless support for the amendment were found on pgs. 4 and 7-8 of the specification filed on 2/10/04.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung (Sam) Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Qing-Yuan Wu/

Examiner, Art Unit 2194